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15 Attorneys for Defendant
SAFEWAY INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

20 MICHAEL RODMAN, on behalf of
himself and all others similarly situated.

Plaintiff.

23

Defendant

Case No. 3:11-CV-03003 JSW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Date: March 30, 2012
Time: 1:30 PM
Courtroom: 11, 19th Floor

The Honorable Jeffrey S. White

1 Plaintiff Michael Rodman ("Plaintiff") and defendant Safeway Inc. ("Safeway"), by
2 and through their counsel, stipulate:

3 1. Plaintiff filed his Class Action Complaint on June 17, 2011 (Dkt. No. 1) and
4 later amended his complaint on September 15, 2011 (Dkt. No. 29). The Amended
5 Complaint, which is the operative complaint, alleges claims for breach of contract,
6 violation of California's Consumer Legal Remedies Act (Civ. Code § 1770, et seq.), false
7 advertising (Bus. & Prof. Code § 17500, et seq.) and unfair competition (Bus. & Prof.
8 Code § 17200, et seq.). In support of his claims, Plaintiff alleges that Safeway
9 misrepresented to customers that the prices they would be charged for groceries ordered
10 online for home delivery would be the same as the price charged on that day in the
11 customers' local brick-and-mortar store.

12 2. Safeway moved to dismiss the Amended Complaint, which the Court denied
13 by order entered November 1, 2011 (Dkt. No. 38). Safeway answered the Amended
14 Complaint, denying it misrepresented its online store pricing and alleging various
15 affirmative defenses, on November 15, 2011 (Dkt. No. 39).

16 3. On December 1, 2011, the parties participated in an Early Neutral Evaluation
17 before Stephen E. Taylor, Esq. As reflected by Mr. Taylor's Certification of ADR Session
18 (Dkt. No. 40), the parties agreed to continue their ADR efforts through a full day
19 mediation.

20 4. By order entered January 3, 2011, the Court continued the initial case
21 management conference to March 23, 2012 to allow the parties time to complete their
22 efforts to settle this matter (Dkt. No. 43).

23 5. The parties have agreed to conduct a full day mediation before Judge
24 William Cahill at JAMS in San Francisco and are in the process of informally exchanging
25 discovery each side believes they require to facilitate a productive mediation session.

26 6. Due to Judge Cahill's calendar, the parties' and counsel's availability and
27 some medical concerns involving Safeway's party representative, the first available date
28

1 for the mediation was April 10, 2012. The matter is presently confirmed for a full-day
2 mediation before Judge Cahill on that date.

3 7. Based on the prior settlement discussions and the impending mediation, the
4 parties jointly request the Court continue the March 23, 2012 Case Management
5 Conference to April 20, 2012, with a joint case management conference statement due on
6 April 13, 2012, or a date thereafter convenient to the Court.

IT IS SO STIPULATED.

8 | Dated: March 14, 2012

SHEPHERD, FINKELMAN, MILLER & SHAH LLP

By _____
/s/ *James C. Shah*
LESLEY E. WEAVER
JAMES C. SHAH
Attorneys for Plaintiff MICHAEL RODMAN

4 | Dated: March 14, 2012

CHIMICLES & TIKELLIS, LLP

By /s/ Steven A. Schwartz
STEVEN A. SCHWARTZ
TIMOTHY N. MATHEWS
Attorneys for Plaintiff MICHAEL RODMAN

9 | Dated: March 14, 2012

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By _____ */s/ Brian R. Blackman*
P. CRAIG CARDON
BRIAN R. BLACKMAN
ELIZABETH S. BERMAN
Attorneys for Defendant SAFEWAY INC.

ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the March 23, 2012 Case Management Conference to April 20, 2012 at 1:30 PM in Courtroom 11, 19th Floor. The joint case management statement shall be due on or before April 13, 2012.

IT IS SO ORDERED.

7 | Dated: March 15, 2012

The Honorable Jeffrey S. White
United States District Judge